

Judicial Timeline

November 21, 2008-The NCDOI and the Commissioner made the decision to impose an increase in surcharges and deductibles to the Beach and FAIR Plans affecting only the 18 coastal counties.

December 18, 2008-The NCDOI and the Commissioner made the decision to impose a statewide increase (and decrease) in homeowner insurance rates which will mostly affect the 18 coastal counties.

December 22, 2008-The Law Firm of Williams Mullen (WM) files 3 Motions (2 in Admin. Court before the Commissioner (Request for Hearing and Notice of Appeal) and 1 in Superior Court (Judicial review etc.)) on behalf of Dare Co. et. al. against the NCDOI and the Commissioner regarding the November 21, 2008 decision to increase rates in the coastal counties only.

January 15, 2009-NCDOI files motion to Dismiss from WM and Petitioners.

January 16, 2009-WM files Motion to Intervene, Request for Hearing and Request for Reconsideration before the Commissioner regarding the December 18 decision. WM also files same three motions regarding the November 21, 2008 decision.

January 20, 2009-WM files a Notice of Appeal and Exceptions in regards to the December 18, 2008 decision before the Commissioner, Petition for Judicial Review and Motion to Stay etc. in Superior Court.

January 22, 2009-WM files Motion to Stay and Brief in support of motion to Stay regarding the November 21, 2008 decision before the Commissioner.

January 26, 2009-the law firm of Young Moore and Henderson (YM) files Response and Objections to Motion to Intervene, Request for Hearing and Request for Consideration on behalf of NC Rate Bureau.

January 27, 2009-NCDOI files Brief in Opposition to Motion to Stay and YM files Memorandum of Law in Opposition to Petitioners Motion to Stay. WM files a Brief in Opposition to Motions to Dismiss filed prior by the NCDOI.

January 28, 2009-NCDOI files a Brief in Opposition to Motion to Intervene and Motion for Relief for Decision. YM files Memorandum in Opposition to Petitioners' Motion to Intervene, Motion for Relief and Request for reconsideration.

January 29, 2009-The matter was heard before hearing Officer William Hale (designated by the Commissioner of Insurance). The AG's office argued that an individual cannot challenge the

procedure for the rate making process-that would be a collateral attack and that is not allowed therefore lack of subject matter jurisdiction. It did not rise to the level of “illegal conduct.” The Petitioners used filed rate doctrine which is not collateral attack it is a direct attack by an aggrieved party.

January 30, 2009-Hearing Officer Hale dismissed petitioners’ Request for Hearing because of lack of subject matter jurisdiction and petitioners failed to state a claim upon which relief may be granted.

February 4, 2009-The Superior Court in Wake County heard the Motion the Stay the November 21, 2008 decision to implement surcharges and increase deductibles.

March 20, 2009-Superior Court Judge Pittman granted Petitioner’s Motion to Stay the November 21st 2008 increases in deductibles and surcharges under the Beach and FAIR Plans.

April 7, 2009- The motion to Stay the December 18th Decision to increase overall homeowner insurance rates was heard by Hearing Officer Hale.

April 16, 2009-Hearing Office Hale denied Petitioner’s request to Stay the overall homeowner insurance rate increases based lack of subject matter jurisdiction.

April 23, 2009-The Superior Court in Wake County heard the motion to Stay the December 18th Decision to raise overall homeowner insurance rates.

April 29, 2009-Superior Court Judge Stephens denied the request for a Stay on overall homeowner insurance rate increases stating the Court’s lack of subject matter jurisdiction and Petitioner’s lack of standing.

May 4, 2009-Petitioners filed a Writ for Supersedeas in the NC Court of Appeals

May 13, 2009-The NC Court of Appeals denied the Writ for Supersedeas.

